

The Salisbury Planning Board held its regular meeting on Tuesday, March 9, 2004, in the City Council Chamber of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: Fred Dula, Len Clark, Lou Manning, Ken Mowery, Brian Miller, Rodney Queen, Sean Reid, Sandy Reitz, Jeff Smith, Jerry Wilkes, Eldridge Williams

ABSENT: Mitzi Clement

STAFF: Dan Mikkelson, Joe Morris, Harold Poole, David Phillips, Janet Gapen, Diana Moghrabi

Prior to this meeting photographs were taken of the Planning Board and awards were issued to those members who will be leaving: Fred Dula, Ken Mowery, Sean Reid, and Eldridge Williams.

The meeting was called to order by Chairman Dula. The minutes of February 24 and March 1, 2004 were approved as published.

ZONING MAP AMENDMENTS

Z-03-04 Salisbury-Rowan Utilities, PO Box 479, Salisbury, NC 28145

LOCATION: 955 Hannah Ferry Rd., Salisbury, NC

Size: 1.417 acres

From: RA — Rural-Agricultural (County Zoning)

To: PSP — Public/Semi-Public (Salisbury Zoning)

Parcel: 307-11

(a) Chairman Dula convened a courtesy hearing on **Z-03-04**

Senior Planner, **Harold Poole**, gave the presentation and explained that this case will move quickly to City Council. It is being rezoned because of legal requirements due to this property's recent annexation. Rodney Queen reminded the Planning Board that this area was discussed by speaker Jason Walser of the LandTrust at a recent Planning Board meeting.

Those speaking in favor of the zoning change request: None

Those speaking in opposition to the zoning change request: None.

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Jeff Smith made the motion to approve the rezoning as requested; **Lou Manning** seconded the motion with all members voting AYE.

Z-04-04 Makson Company, Old Wilkesboro Road, Salisbury, NC

LOCATION: 1704-1710-1718 Old Wilkesboro Road

Size: 2.38 acres (GIS data) – three (3) lots

Add: HD - High Density Overlay over R-6A Multi-Family Residential District

Parcel: Tax Map #5 Parcels 223, 224, and 225

- (a) Chairman Dula convened a courtesy hearing on **Z-04-04**

Harold Poole made the presentation of this property near Kelsey Scott Park.

Those speaking in favor of the zoning change request:

Brent Snipes, 120 W. Colonial Drive, represents the developer of this property. They had tried to buy a piece of property previously at the end of Council Street that was turned down for this project. They feel they have found a proper location for this proposed student housing. He encouraged the “business friendly” attitude be applied to this request.

Those speaking in opposition to the zoning change request: None.

The chairman closed the courtesy hearing on this case.

- (b) Board Discussion:

Eldridge Williams asked if the “student housing” would be open to other possible renters. The developer feels that there will be no need to open it to others, since the need for student housing is so great.

Leo Wallace inquired about the public notifications. A notice was sent to Belle Realty Development.

Rodney Queen struggles with the unknown of the HD Overlay. He feels the service being offered is of good quality and meets needs of the community. The traffic volume will not be a problem on Old Wilkesboro Road.

Len Clark asked about existing sidewalks. **Dan Mikkelson** answered that there are no sidewalks on Old Wilkesboro Road. The City is anticipating the installation of a greenway trail that will use the Horah St. right-of-way. There is an opportunity to have a back entrance to this proposed greenway trail. This is very attractive for students attending Livingstone College. Mr. Mikkelson discussed the driveway and road concerns for the Board. Many of the concerns would be addressed in a site plan review.

Sean Reid voiced concern for the single family residents in the area. This could set a precedent for HD in the future for this area. **Harold Poole** offered positive ways this could impact the local economy, as well.

Jeff Smith expressed traffic concerns and cautions the future of HD in this area; however, this should be a good decision for this parcel.

Sean Reid made a motion to approve the request as submitted. **Jerry Wilkes** seconded the motion with all members voting AYE.

Z-05-04 Wallace Realty Company, Part of 900 block of South Fulton Street

LOCATION: 912-914-916 South Fulton Street

Size: 0.36 acre

From: B-CS Convenience Service Business

To: B-RT Retail Trade Business

Parcel: Salisbury Twp. Tax Map 15, part of lot 70

Janet Gapen made a presentation on this zoning case. This property is located near Salisbury High School. She clarified that the use of B-CS zoning imposes a square footage requirement of 2000 sq. ft. that goes up to 2,500 sq. ft. for conditional use. B-RT zoning does not impose a square footage maximum. At **Jeff Smith's** request, Janet covered the B-RT uses; convenience stores are permitted in *both* B-RT and B-CS districts, but alcohol sales is a conditional use in B-CS (requiring another level of approval). Other B-RT uses *not* permitted in B-CS include video stores, retail establishments, coin-operated gaming, and car detailing. **Len Clark** brought up a former issue brought before the Planning Board in regard to alcohol sales in this neighborhood and previously resolved by City Council.

(a) Chairman Dula convened a courtesy hearing on **Z-05-04**

Those speaking in favor of the zoning change request:

Leo Wallace, 508 S. Fulton Street, built this property in 1937. At that time, the property was occupied by a drug store and grocery store, which flourished until the advent of super markets and super drug stores. These changes in the market place limit him to prospects that could occupy this property. One building has been vacant for two years. Mr. Wallace reiterated the positives of B-RT allowances.

Bryce Beard, 1617 Emerald Street, is employed by Mr. Wallace. The zoning issue came to their awareness when one of their tenants applied for a business license and was turned down in B-CS. Many other rental situations were discovered not to be in compliance. They realized then that B-RT would remedy the non-compliance issue, and would also help to occupy vacant properties. Mr. Beard has memories of hanging out with friends at this location when he was a Boyden High School student. He and Mr. Wallace agree with the City to a "no alcohol sales" policy. They want to bring in business that would serve this community.

Those speaking in opposition to the zoning change request:

Diane Dillon Hooper, with Historic Salisbury Foundation, recognized the efforts of Mr. Wallace and his company to make this a good neighborhood. B-CS has always been a

very good buffer for residential zoning. This area, with the exception of Salisbury High School, which is B-1, is residential. If it is zoned B-RT, alcohol sales are allowed; even though there is an agreement not to; it is allowed in B-RT. This could represent “spot zoning.” The Historic Salisbury Foundation worked hard to revitalize the residential area directly across the street. They sold one property already and have an interested party for the yellow house across the street based on B-CS zoning. They feel B-RT totally changes the character of the area. This rezoning can be detrimental to the future of the neighborhood. Historic Salisbury Foundation appreciates Mr. Wallace’s intentions to occupy the property but encourages a vote not to zone B-RT.

Norde Wilson, 501 Maupin Ave, is a property owner in the neighborhood. He reminded the Board of the previous headaches, which resulted in a loss of life. There were problems centered on a convenience store selling beer and wine that was once located there. Drug trafficking had been a problem at that location. The presence of a video game store and the potential sale of alcohol are concerns that could threaten the neighborhood, again. He is against Salisbury High School students hanging around and causing trouble. The students do not respect neighborhood property. Now that the block is “cleaned up”, Mr. Wilson would like to see that it stay that way.

NOTE: Dan Mikkelsen believes that the “no alcohol sales” agreement is between property owner and City Council and staff has no authority to enforce it. The Special Use Permit allows a convenience store that does not sell alcohol in B-CS. Convenience store with no alcohol sales is permitted by right in B-CS.

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Jeff Smith agrees that B-CS is the appropriate zoning for that area. He thinks that *some* of the B-RT uses could be added to B-CS. He will not vote for B-RT for this case. A text amendment may be in order. **Rodney Queen** agreed that he did not want to revisit the convenience store issue, and the vacant property is currently an eyesore. Some facade improvements would be an asset to the neighborhood. He would like this to go to committee for further discussion. **Harold Poole** suggested that before anything is added to B-CS, they should review what the impact would be on other B-CS areas. **Brian Miller** agrees with Jeff and would support going to committee. **Ken Mowery** would like to examine the B-CS to see if it is appropriate for today’s business climate. Mr. Mowery made a motion to send this to committee. There was a discussion about what exactly was being sent to committee and the effect of a delay on the applicant. **Harold Poole** explained the process that would have to be followed. **Sean Reid** was in favor of voting “up” or “down” now, unless a text amendment is what is necessary. **Ken Mowery** stated the intent of his motion was to not add another B-RT to the city, but to modify B-CS in a fashion that would suit both the applicant and the neighborhood. He would like to see it stay B-CS and not change the map. **Fred Dula** agreed and called for a motion (more discussion). **Jeff Smith** feels they owe it to Mr. Wallace to vote to deny the B-RT and give him some additional uses to B-CS. He will not vote to send it to committee.

Ken Mowery's motion to send the case to committee was seconded by Sandy Reitz. **Jeff Smith** explained further that he did not want another "S" district, nor did he want the square footage use to go up in B-RT.

Chairman Dula called for a vote on the motion to send the case to committee. The motion was passed by a 7-4 vote.

In Favor: Lou Manning, Ken Mowery, Fred Dula, Rodney Queen, Eldridge Williams, Brian Miller, Sandy Reitz

Against: Jeff Smith, Len Clark, Sean Reid, Jerry Wilkes

Lou Manning excused himself from the meeting.

GROUP DEVELOPMENT SITE PLAN

(a) **G-1-75** Salisbury High School – 500 Lincolnton Road

David Phillips made the staff presentation for the addition to Salisbury High School. Staff TRC did recommend adding a sidewalk on Caldwell St. from Taylor Street to Lincolnton Road.

Those speaking in favor of the improvements: None

Those speaking in opposition to the improvements: None

Board Discussion

Ken Mowery felt there was not a more appropriate place to put a sidewalk and was in favor of it. Mr. Mowery made a motion for approval with the additional recommendation to install sidewalks on Caldwell to Lincolnton. **Rodney Queen** seconded the motion, with all members voting AYE.

Brian Miller clarified why they had recently voted not to recommend sidewalks in an elementary school setting. It is more likely that a high school age child would be walking to school, plus this is a pedestrian friendly part of town. This sidewalk does lead to someplace where the other sidewalk did not.

(b) **G-7-72** Mr. Gatti's @Salisbury Twp. Shopping Center, 122 Avalon Drive

David Phillips made the staff presentation. He made a recommendation to approve as submitted.

Those speaking in favor of the improvements:

Rich Habeeb, 1602 Harmon Ridge Road, Sanford, NC, is sitting in for his brother Mark, who lives in Salisbury and will be in charge of the business operation. They have been in the Mr. Gatti's franchise business for 25 years and in the restaurant business for 30 years. This will be a family pizza operation. There are prospects for renting space in the existing buildings.

Those speaking in opposition to the improvements: None

Board Discussion

Jeff Smith made a motion to approve as submitted. **Brian Miller** seconded the motion, with all members voting AYE.

COMMITTEE REPORTS

(a) Downtown Salisbury Committee (B. Miller, ch.)

The Committee did not have an opportunity to meet.

(1) North of Liberty Street

(2) Farmers Market

Staff has been working on the Farmers Market, which is going to City Council next Tuesday. Part one change is recommended to read:

“(1) Adequate solid waste disposal units with a minimum of one (1) six-cubic-yard capacity units for every 25 persons selling in the market are available on the site;”

Joe Morris explained that the property is owned by the City so the City will facilitate a redevelopment of the site for a temporary Farmers Market, acknowledging that the land was purchased as a potential location for a Convention Center. The City will not operate the market. A board of directors is working through the management aspects of this project. The plans include an on-site manager that will be paid based on the dues that the producers pay. There will be daily procedures taken care of by the market. The landscaping, the surface, etc. will be done by the City. Handicrafts and yard sale items will be excluded from this market. The ORDINANCE would allow these things, but the rules for this market are suggesting that handicrafts and yard sale items not be included. There may be some value in having these items included in a future, larger market, so they did include them in the ORDINANCE. They are discussing individual tents or a larger protective covering.

Brian Miller made a motion to make the changes as suggested in the memo. **Jeff Smith** seconded the motion, with all members voting AYE

(b) Stubout & Cul-de-sacs Street Committee (J. Smith, ch.)

No changes to the ORDINANCE concerning stubouts and they will continue to discuss temporary cul-de-sacs. No action is needed.

(c) Ethics Committee (S. Reitz, ch.)

The committee is still awaiting clarification from Rivers Lawther to get a clarification on item 14.

(d) Nominating Committee

Ken Mowery said they nominated two persons for each position.

(1) Proposed Chairman FY 04-05 – Jeff Smith and Rodney Queen

(2) Proposed Vice Chairman FY 04-05 – Brian Miller and Sandy Reitz

There were no nominations from the floor for either position.

Sandy Reitz recommended that the candidates speak to the board for no more than three minutes at the next meeting about how they view the position and how they would proceed to use it. It was agreed.

FUTURE COMMITTEE MEETINGS

Committee members for **Z-05-04** will include Jerry Wilkes, Brian Miller, Rodney Queen, and Jeff Smith. A meeting is scheduled at 8:00 Thursday, March 11 at City Hall, 1st floor conference room and is open to others.

Downtown B-5 to B-6 – The committee will meet Friday, March 12, at 8:30 at City Hall, 1st floor conference room.

Temporary cul-de-sacs – a meeting will be scheduled at the next regular Planning Board meeting.

US 70 Corridor Report – Brian Miller wanted the Board to revisit this issue. Members are encouraged to review the materials.

Mr. Dula made a motion to move past six o'clock. **Sandy Reitz** seconded the motion, with all members voting AYE.

OTHER BUSINESS

Fred Dula is stepping down after six years and complimented Board members for all their hard work. He thanked Harold Poole for his guidance.

There being no further business to come before the Board, the meeting was adjourned.

Chairman

Secretary